(53)

DEPARTMENTAL EXAMINATION OF IAS/TCS- Gr. II OFFICERS

DECEMBER, 2023

Sub: Criminal Law and Procedure (Law Paper I) (Without Books)

Time Allowed: 3 (Three) Hours

Full Marks: 100

Figures in the margin indicate full marks

Answer Question No.1 of Group A, 6 (six) questions from Group B and 5 questions from Group C

(Group A)

1. Answer the following questions: (2X10=20 marks)

(Answer to the questions shall be only in the form of either 'Yes' or 'No'. Elaborate answer should not be given)

(i) Whether the guardian or legal heir of a person suffered from any loss or injury can be included as victim within the meaning of Code of Criminal Procedure, 1973?

(ii) Whether a Special Judicial Magistrate can be empowered to function as Judicial Magistrate of the First Class?

(iii) Whether an Executive Magistrate or a Judicial Magistrate has the power to arrest a person if the offence is not committed in his presence?

(iv) Whether any private registered Medical Practitioner can refuse to examine a victim of alleged rape if no such registered Medical Practitioner working in any Hospital run by Government or local authority is found available within sixteen Kilometers from the place of occurrence?

(v) Whether a person having Indian citizenship, commits a murder in Bangladesh can be tried and convicted of such murder in any place in India in which he may be found?

(vi) Mr. A writes his name on the back of a bill of exchange. Is the endorsement a valuable security?

(vii) A sees Z commit what appears to A to be a murder. A, in the exercise, to the best of his judgment exerted in good faith, of the power the law gives to all persons of apprehending the murderers in the act, seizes Z, in order to bring Z before the proper authorities. Has A committed any offence?

(viii) A smith seized by a gang of dacoits, and forced, by a threat of instant death, compelled to take his tools and force the door of a house for the dacoits to enter and plunder it. Is the smith entitled to the benefit of exemption from conviction?

(ix) Whether a confession made before a Police Officer can be proved as against a person accused of any offence?

(x) A has been in possession of landed property for a long time. He produces from his custody deeds relating to the land, showing his titles to it. Is the custody proper?

(GROUP – B)

[Answer any 6 (six) questions] **(6X5=30 marks)**

2. When and under what circumstances a person can be arrested on his refusal to give name and residence?

3. Discuss the procedure for issuing search warrant in details.

4. Discuss the law relating to cancellation of bond and bail bonds by the Court?

5. Define the term 'Document' within the meaning of Indian Penal Code.

6. Discuss the provisions relating to right of private defence against the act of a person of unsound mind, etc.

7. What does it mean by abetment of things?

8. Discuss the provisions relating to oral evidence as provided in the Indian Evidence Act, 1872.

9. Discuss the provisions relating to 'Estoppel' with illustrations as provided in the Indian Evidence Act, 1872?

(GROUP C)

[Answer any 5 (five) questions] **(10x5=50 marks)**

10. When an Executive Magistrate can exercise his power to reject the sureties?

11. Discuss the powers of the Executive Magistrate to attach subject of dispute and appoint receiver.

12. What protections are available against prosecution for acts done under sections 129 and 130 of the Code of Criminal Procedure, 1973?

13. What is the liability of an abettor of an offence, punishable with imprisonment, if the offence is not committed?

14. What shall be the consequences for furnishing false information as provided in the Indian Penal Code.

15. Narrate the facts of which Court can take judicial notice.

16. Discuss the power of the Court to decide when question shall be asked and when witness compelled to answer.

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